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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,775	03/22/2004	Lawrence G. Hopkins	HUNT:FANARRI	2371
26790	7590	08/18/2005		
LAW OFFICE OF KAREN DANA OSTER, LLC PMB 1020 15450 SW BOONES FERRY ROAD #9 LAKE OSWEGO, OR 97035				
			EXAMINER NGUYEN, NINH H	
			ART UNIT 3745	PAPER NUMBER

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,775

Applicant(s)

HOPKINS, LAWRENCE G.

Examiner

Ninh H. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 21, 23, 25, 27, 29 and 31-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-47 is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 10, 27, 29 and 31 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 21, 23 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/22/04, 06/14/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the Request for Continued Examination (RCE) dated 06/14/05. In reviewing of the IDS submitted with the RCE, the US patent number 6, 463,891 to Algrain et al. was found to read on claims 1-6, 9, 10, 27, 29, and 31. Therefore, the Examiner regretfully withdraws the allowability of the aforementioned claims.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 9, 10, 27, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Algrain et al.

Algrain discloses a fan array fan section in an air-handling system (Figs. 1-3, 4A, 4B), comprising a plurality of fan units arranged in an array (Fig. 2); an air-handling compartment within which the fan array of fan units is positioned (Fig. 2); an array controller strategically turning the selective ones of the plurality of fans on and off (Fig. 3, 4A, 4B);

wherein the air-handling compartment has an airway path, the airway path being less than 72 inches (the airway path being between the Engine Coolant Core and the fans 10, 12 in Fig. 2);

wherein the plurality of fan units are arranged in a true array configuration (Fig. 2);

wherein the plurality comprises at least two vertically arranged fan units (Fig. 2);

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wherein each of the plurality of fan units is positioned within a fan unit chamber (Fig. 2).

However, Algrain does not disclose the fan array fan section comprises at least six fan units as claimed.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made, to make the fan array fan section of Algrain with at least 6 fan units to satisfy the cooling requirement of the Engine Coolant Core as taught by Algrain (col. 9, lines 47-53).

Allowable Subject Matter

3. Claims 32-47 are allowed. The claims are deemed to be a non-obvious improvement over the invention patented in Pat. No. 5,788,568. The improvement is an array controller for turning selective ones of the fan units on and off.

4. Claims 7, 8, 21, 23, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 1 patent.

Noba (4,651,922) is cited to show a fan array having a controller.

Information Disclosure Statement

In the previous Office Action, only page 1 of the PTO form 1449 dated 03/22/04 was attached. The second page of that form 1449 is attached in this Office Action along with the IDS of 06/14/05.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (571) 272-4823. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (571) 272-4820. The fax number for this group is (571) 273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, please go to <http://pair-direct.uspto.gov> or contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).


NINH H. NGUYEN
PRIMARY EXAMINER

Nhn
August 4, 2005